

**ASSEMBLY BILL**

**No. 2097**

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**Introduced by Assembly Member Hill**

February 23, 2012

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An act to add Section 56363.2 to the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2097, as introduced, Hill. Special education: assistive technology devices.

Existing law requires an individualized education program (IEP) team, when developing an IEP, to consider whether an individual with exceptional needs requires assistive technology devices and services, as defined. Existing law states that a local educational agency is not required to purchase medical equipment, which excludes an assistive technology device, for an individual with exceptional needs but that a local educational agency is responsible for providing other specialized equipment for use at school that is needed to implement the IEP.

This bill would authorize a local educational agency or special education local plan area to retain, sell, or otherwise dispose of an assistive technology device, including, but not limited to, giving the assistive technology device to the individual with exceptional needs to whom it was assigned, if specified determinations are made.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature finds and declares all of the  
2 following:

3     (a) Assistive technology devices provided to individuals with  
4 exceptional needs better enables individuals with exceptional needs  
5 to achieve the goals stipulated in their individualized education  
6 program, develop important life skills, and transition into  
7 adulthood.

8     (b) Assistive technology devices are tools for access,  
9 independence, and academic success for individuals with  
10 exceptional needs. Assistive technology devices can range from  
11 low-technology equipment such as a calculator or audio recording  
12 device, to more sophisticated technology that is specialized and  
13 tailored to the individual needs of the pupil, and can include  
14 adaptive equipment, specialized computer software, a hearing aid,  
15 or a powered wheel chair.

16     (c) State law does not authorize an assistive technology device  
17 to be given to an individual with exceptional needs for whom the  
18 assistive technology device was designed and assigned for use,  
19 when the individual with exceptional needs ages out of his or her  
20 eligibility for special education services under the federal  
21 Individual with Disabilities Education Act (IDEA) (20 U.S.C. Sec.  
22 1400 et seq.). This lack of authority has resulted in some assistive  
23 technology devices that cannot be reassigned to another individual  
24 with exceptional needs, due to its unique construction or design,  
25 to be rendered useless.

26     (d) It is the intent of the Legislature that in specified  
27 circumstances, a special education local plan area or local  
28 educational agency be authorized to sell or give an assistive  
29 technology device to the individual with exceptional needs to  
30 whom it was assigned when the individual with exceptional needs  
31 will lose their IDEA eligibility.

32     SEC. 2. Section 56363.2 is added to the Education Code, to  
33 read:

34     56363.2. In accordance with Section 80.32 of Title 34 of the  
35 Code of Federal Regulations, a local educational agency or special  
36 education local plan area may retain, sell, or otherwise dispose of  
37 an assistive technology device, as defined in Section 56020.5,  
38 including, but not limited to, giving the assistive technology device

1 to the individual with exceptional needs to whom it was assigned,  
2 if the local educational agency or special education local plan area  
3 determines that the assistive technology device has a current  
4 per-unit fair market value of less than five thousand dollars  
5 (\$5,000) and is no longer needed by the local educational agency  
6 or special education local plan area for other individuals with  
7 exceptional needs.

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